



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application of:

William H. Nichol, Jr.) Patent Examiner: Tri M. Mai
Serial No.: 10/649,751)
Filed: August 26, 2003) Group Art Unit: 3727
For: HOSIERY DISPLAY)
DEVICE WITH ARRAYED)
MULTIPLICITY OF)
HOSIERY ATTACHMENT)
OPENINGS)

Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Petitioner, Kentucky Derby Hosiery Company, Inc., is the owner of the referenced application by assignment, recorded in the U.S. Patent and Trademark Office on August 26, 2003, at Reel/Frame No. 014447/0102.

Petitioner hereby disclaims, as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC §§154-156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,651,810. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration of the full

statutory term as defined in 35 USC §§154-156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a Court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 30, 2004
Date

William H. Nichol, Jr.
William H. Nichol, Jr.
Kentucky Derby Hosiery Company, Inc.